

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

KIMBERLY ANN MUSOLFF,	)	CASE NO. 1:21-cv-1739
	)	
	)	
PLAINTIFF,	)	JUDGE SARA LIOI
	)	
vs.	)	
	)	ORDER
COMMISSIONER OF SOCIAL	)	
SECURITY,	)	
	)	
	)	
DEFENDANT.	)	

Before the Court is the report and recommendation (“R&R”) of the Magistrate Judge in the above-entitled action. (Doc. No. 10.) Under the relevant statute:

[. . .] Within fourteen days after being served with a copy, any party may serve and file written objections to such proposed findings and recommendations as provided by rules of court. A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.

28 U.S.C. § 636(b)(1)(C). In this case, the fourteen-day period has elapsed and no objections have been filed.<sup>1</sup> In the Sixth Circuit, failure to object constitutes a forfeiture. *Berkshire v. Beauvais*, 928 F.3d 520, 530 (6th Cir. 2019) (“We clarify that forfeiture, rather than waiver, is the relevant term here.”). *See also Thomas v. Arn*, 474 U.S. 140, 152, 106 S. Ct. 466, 88 L. Ed. 2d 435 (1985) (holding that the Sixth Circuit’s waiver/forfeiture rule is

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<sup>1</sup> The Court afforded three additional days for service. *See* Fed. R. Civ. P. 6(a) & (d). No objections were filed on or before the deadline, and no extension of time has been sought or given.

within its supervisory powers and “[t]here is no indication that Congress, in enacting § 636(b)(1)(C), intended to require a district judge to review a magistrate’s report to which no objection are filed”). Here, the R&R placed the parties on notice as to the potential for forfeiture in the event of failure to object. (*See* Doc. No. 10 at 33.<sup>2</sup>)

The R&R recommends affirming the decision of defendant, the Commissioner of Social Security, denying plaintiff’s application for disability insurance benefits. The Court has reviewed the R&R, finds it to be thoroughly written and well-reasoned, and, therefore, accepts the same.

Accordingly, the Court adopts the R&R’s recommendation. Defendant’s decision is affirmed. This case is closed.

**IT IS SO ORDERED.**

Dated: May 17, 2022

  
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**HONORABLE SARA LIOI**  
**UNITED STATES DISTRICT JUDGE**

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<sup>2</sup> Page number references are to the page numbers assigned to each individual document by the Court’s electronic filing system.